

**Employment and Training
Administration**

[TA-W-27,496]

**Allied-Signal Aerospace Company,
Garrett Fluid Systems Division, Tempe,
AZ; Negative Determination On
Reconsideration**

On November 18, 1994 the United States Court of International Trade (USCIT) remanded for further investigation the Department's negative determination for workers at the subject firm in *Bennett v. Secretary of Labor* (93-02-00080).

The workers filing under petition TA-W-29,426 were initially denied eligibility to apply for trade adjustment assistance (TAA) on September 18, 1992. The notice was published in the **Federal Register** on October 13, 1992 (57 FR 46880). The workers were denied on application for reconsideration on December 4, 1992. This notice was published in the **Federal Register** on December 11, 1992 (57 FR 58826).

The Department's denial was based on the fact that the increased import criterion and the "contributed importantly" test of the Worker Group Eligibility Requirements of the Trade Act were not met. U.S. imports of parts for military aircraft decreased in the latest 12-month period May through April 1991-1992 compared with the same period in 1990-1991.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a bid survey on 11 major customers of Allied Signal for engine starters, valve, actuation systems and aerospace hardware. The survey showed no foreign impact since the successful awardees were all domestic firms.

The petition shows that the workers in question were from the Tool Room which did not produce an article which actually went on the market. The Tool Room is a support group to production operations.

Other findings show that the production workers were not separately identifiable by product and that only a negligible amount of production was shifted to Singapore. The findings also show that sales are equal to production. None of the systems produced at Tempe were produced for inventory or shelf-life.

The Department, on reconsideration, was able to contact most of persons indicated on petitioner Jeffrey Whitehead petition attachment. None of the company officials or former company officials had any evidence

which would contradict the Department's negative decision.

Also, a reconsideration, the Department obtained a breakout of Tempe's sales for 1990, 1991 and 1992 together with Tempe's purchases from Singapore. All of Singapore's sales went to Allied Signal at Tempe. Tempe's purchases from Singapore declined in 1991 and 1992 compared to the year immediately prior. Although production was resourced to Singapore, the major share came from Allied Signal's outside domestic subcontractors and as such did not have any adverse effect on Allied Signal's Tempe facility.

Further, Tempe's purchases from Singapore were insignificant when compared to total Tempe's sales and would not form a basis for a worker group certification. Tempe's Singapore purchases accounted for only 1.4 percent of Tempe's sales in both 1990 and 1991 and declined to 1.2 percent of Tempe's sales in 1992.

Tempe's sales in 1992 were relatively constant declining only about 1.2 percent compared to 1991. Some major categories of sales (pneumatic systems and jet engine starters) actually increased in 1992 compared to 1991.

Certification under the Trade Act of 1974 is based on increased imports of articles that are like or directly competitive with those articles produced at the workers' firm. The subject firm produces mainly pneumatic systems, engine starters, air valve systems and actuation systems for the aerospace industry. The shipment of tooling (holding fixtures and gauges) and the construction of new tooling for the Singapore plant would not form a basis for a worker group certification. Tooling and the shipment of capital goods to Singapore are not like or directly competitive with the articles produced at Tempe which go into the market as final articles or systems. Much of the weight behind the petitioners allegations comes from a former tool room supervisor who was contacted but could not provide any documentation or evidence to support the petitioners' claim.

The findings show that worker separations occurred because of corporate reorganizing and redesigning.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C., this 3rd day of April, 1995.

Victor J. Trunzo,

Program Director, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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[TA-W-30,683]

**Amphenol Aerospace, Sidney, New
York; Amended Certification
Regarding Eligibility To Apply for
Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 23, 1995 applicable to the workers engaged in employment related to the production of electrical connectors at the subject firm.

The certification notice will soon be published in the **Federal Register**.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The findings show that a coverage overlap exists between this certification and TA-W-27,901 issued on January 26, 1993 for workers of the same worker group in Sidney, New York.

Accordingly, the Department is amending the subject certification to reflect the proper coverage.

The amended notice applicable to TA-W-30,683 is hereby issued as follows:

"All workers of Amphenol Aerospace, Sidney, New York engaged in employment related to the production of electrical connectors who became totally or partially separated from employment on or after January 26, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this 7th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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[TA-W-30,734]

**Artex Manufacturing Company, Inc.,
Yates Center, Kansas; Notice of
Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 13, 1995 in response to a worker petition which was filed on January 30, 1995 on behalf of